IN RE: PETITION FOR ADMIN. VARIANCE S/S of Kenwood Avenue, 15' E of centerline of Councilman Avenue 14th Election District 6th Councilmanic District (5107 Kenwood Avenue)

Steven & Linda Waldhauser Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 99-532-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a petition for administrative variance filed by the legal owners of the subject property, Steven & Linda Waldhauser. The variance request is for property located at 5107 Kenwood Avenue, located in the Overlea area of Baltimore County. The Petitioners herein seek a variance from Section 400.2 to permit a height of 30 ft. in lieu of the required 15 ft. for an accessory structure (garage) in the rear yard. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1999 that a variance from Section 400.2 to permit a height of 30 ft. in lieu of the required 15 ft. for an accessory structure (garage) in the rear yard, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

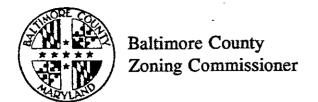
TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

WALL TO SECTION OF THE PARTY OF



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

August 4, 1999

Mr. & Mrs. Steven Waldhauser 5107 Kenwood Avenue Baltimore, Maryland 21206

Re: Petition for Administrative Variance

Case No. 99-532-A

Property: 5107 Kenwood Avenue

Dear Mr. & Mrs. Waldhauser:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure



CASE NO.

REU 9|15|98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	5107	KENWOOD	AVE	
which	h is prese	ntly zoned	DR 5.5	

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal	al
owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto an	đ
made a part hereof, hereby petition for a Variance from Section(s)	_

30 ft, in lieu of the required 15 ft, for an accessory structure (garage) in the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.	
Contract Purchase	er/Lessee:		Legal Owner(s):	
			STEVEN J. WALDHAUSER	
Name - Type or Print.			Name - Tigge of Print	
Signature		·	Signatules	
		Ti	LINDA C. WALDHAUSER	
Address		Telephone No.	Name - Type of Print	
Gity	State .	Zip Code	Signature	
Attorney For Petitic	oner:		5707 KENWOOD AVE 410-882-871	2
3			Address Telephone No.	
1 3			BALTO. MD 21206	
Name Type or Print		,,	City State Zip Code	<i>-</i>
7 3			Representative to be Contacted: WK. 410-866-	570
Skinature			Representative to be Contacted:	<i>) U</i> (
X T			'	
Chockey			Name	
4 1		•		
Address		Telephone No.	Address Telephone No.	
3 - - -				
City 22	State	Zip Code	City State Zip Code	
	· · · · · · · · · · · · · · · · · · ·			
A Public Hearing having b this day of	een formally demand	led and/or found to be	e required, it is ordered by the Zoning Commissioner of Baltimore County, this petition be set for a public hearing, advertised, as required by the zoning	
regulations of Baltimore Cou	nty and that the proper	ty be reposted.	me pendon be sector a public heating, advertised, as required by the zoning	
		-	•	
	-			
			Zoning Commissioner of Baltimore County	

Estimated Posting Date

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5107 KG	NWOOD AVE	
	Address BALTO,	MD	21206
That based upon personal knowledge, the followariance at the above address (indicate hardshi	wing are the fact p or practical diffi	s upon which I/we base toulty):	the request for an Administrative
1. THE CHSTING FLAT ROOF WE FLAT ROOFS REQUIRE MUCH I JUSTIFY HARDSHIP TO BE A GABLE ROOF.	MANTENAN E A MANN	CONCARN FOR	CONSIDERING
2. THE CHISTING GARAGE 15 AS BUILD A GABLE ROOF ON THE EXCRED THE 15'H. RESTRICTS	E EXISTING		
3. THE EXISTING GARAGE HAZ OFDER TO ACQUIRE A MORE PROPERTIES, I PLAN TO REN A NEW GABLE POOF.	RESIDENCIA	R LOOK AS THE	SURROUNDING-
That the Affiant(s) acknowledge(s) that if a fo advertising fee and may be required to provide a	rmal demand is additional informat	filed, Affiant(s) will be r tion.	equired to pay a reposting and
Signature Maddle		Signature /	Malle
Name - Type or Print		Name - Type or Print	UAZDHAUSER
STATE OF MARYLAND, COUNTY OF BALTIM I HEREBY CERTIFY, this 27 day of 3 day of 3 day aforesaid, per		. (59°, before	me, a Notary Public of the State
Steven and Londa Wale	hauser		
the Affiant(s) herein, personally known or satisf law that the matters and facts hereinabove set for	actorily identified orth are true and o	to me as such Affiant(s correct to the best of his/), and made oath in due form of her/their knowledge and belief.
AS WITNESS my hand and Notarial Seal	C	colen OM	Hvæe -
Date	Notary F	Public Pu	mbar-1, 200(

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at	SIOT KENWOOD AVE Address			
	BALTO.	MD_	21206	
	City	State	Zip Code	
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi			the request for an Administrative	
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3. THE EXISTING CARAGE HAS OFDER TO ACQUIRE A MORE PROPERTIES, I PLAN TO REM A NEW GABLE ROOF.	RESIDENCIA	L LOOK AS THE	E SURROUNDING	
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		7	WAZDHAUSER	
Name - Type or Print		lame - Type or Print	NACDHAUSER	
STATE OF MARYLAND, COUNTY OF BALTIN		/550 before	e me, a Notary Public of the State	
I HEREBY CERTIFY, this 27th day of of Maryland, in and for the County aforesaid, per			: The, a Notary Public of the State	
Steven and Londa			-	
the Affiant(s) herein, personally known or satisfiaw that the matters and facts hereinabove set for	factorily identified to orth are true and co	to me as such Affiant(someone to the best of his.	 and made oath in due form of her/their knowledge and belief. 	
AS WITNESS my hand and Notarial Seal	_		~~	
6/27/99		rden Mi	Knag	
Date	Notary P		(- (4 - 25-4) (
	My Comm	nission Expires <u>Jee</u>	on 40, 1, 2001	



CASE NO. 99-532-A

REV 9115198

Petition for Administrative Variance

Reviewed By BR Date 6/30/99

Estimated Posting Date ___

to the Zohin	g Commissioner of Baltimore County
for the prope	erty located at 5107 KENWOOD AVE
	which is presently zoned DR 5.5
made a part hereof, hereby petition for a Variance from So 30 H. in lieu of the require.	mits and Development Management. The undersigned, legal which is described in the description and plat attached hereto and section(s) 400.2 to permit a height of 15 ft. for an accessory structure
(garage) in the rear yard.	
of the zoning regulations of Baltimore County, to the zonin of this petition form.	g law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the light of	posting, etc. and further agree to and are to be bounded by the zoning
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name / Tigge or Print A LAR A
Signature	Signature Signature
Address Telephone No.	Name - Type or Print
City State Zip Code	Signature (California)
Attorney For Petitioner:	5107 KENWOOD AVE 410-882-8716 Address Telephone No.
	BASTO. MD 21206
Name - Type or Print	City State Zip Code
Signature	BATTO. MD 21206 City State Zip Code & Representative to be Contacted: WK. 410-866-5
Company	Name
	Name
Address Telephone No.	Address Telephone No.
City State Zip Code	City State Zip Code
A Public Hearing having been formally demanded and/or found to his day of that the subject matter of egulations of Baltimore County and that the property be reposted.	be required, it is ordered by the Zoning Commissioner of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County

ZONING DESCRIPTION FOR 5107 KENWOOD AVE

BEGINNING AT A POINT ON THE SOUTH SIDE OF KENWOOD AVE WHICH IS 30 FEET WIDE AT THE DISTANCE OF IS FEET EAST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET COUNCILMAN AVE WHICH IS 30 FEET WIDE.

AS RECURDED IN DOED LIBER 8508, FOLIO 408

METES AND BOUNDS: 5.39 25 W 160', 5 50.75 E.104', N.39 25 E.174', N 59.50 W 104.9' TO THE PLACE OF BEGINNING

CONTAINING 17368 SQUARE FEET OR . TO AZRES. ALSO KNOWN AS 5107 KENWOOD AVE AND LOCATED IN THE 14TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT.

99.532-A

#532

95.85 186.85 RED MSD4 CASHIER JKAR JLK DRAWER
DON'T 5 528 ZONING VERIFICATION
REDGIPT # 077983 OFF ACTUAL TINE. 6/30/1999 10:35:24 Baltimore County. Maryland CASHIER'S VALIDATION Recet Tot 50.00 OK 6/30/1999 PRODESS 1400 HS34 No. 07041, 6001-6150 (0,00) Variance YELLOW . CUSTOMER AMOUNT \$ ACCOUNT_ BALTIMORE COUNTY, MARYLAND MISCELLANEOUS RECEIPT 0 OFFICE OF BUDGET & FINANC PINK - AGENCY ره ال ه DISTRIBUTION WHITE - CASHIER RECEIVED FROM: DATE

CERTIFICATE OF POSTING

RE: CASE # 99-532-A
PETITIONER/DEVELOPER:
(Steve Waldhauser)
DATE OF Hearing
(July 26, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

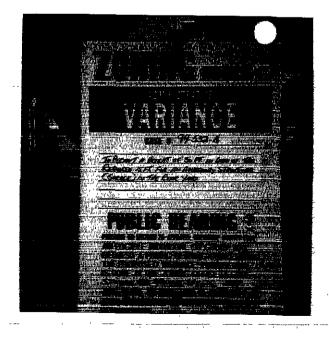
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
5107 Kenwood Ave. Baltimore , Maryland 21206_____

The sign(s) were posted on_____ 7-9-99

[Month, Day, Year]



Sincerely,
Ohomo . Ogl \$ 5.9.99
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405
(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 532 -A Address 5107 Ken wood Ave.
Contact Person: Bruso Rudaitis Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 4/30/99 Posting Date: 7/9/99 Closing Date: 7/26/99
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
 DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted. denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 532 -A Address 5107 Ken wood Ave. Petitioner's Name Steur & Linka Waldhauser Telephone 410-866-5700 Wc
Petitioner's Name Steur & Linka Waldhauser Telephone 410-866-5700 Wc
Posting Date: $7/u/99$ Closing Date: $7/26/99$
Nording for Sign: To Permit a height of 30 ft, in lieu of
the required 15 ft. for an accessory structure (garage)
Nording for Sign: To Permit a height of 30 ft, in lieu of the required 15 ft, for an accessory structure (garage) in the rear yard.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

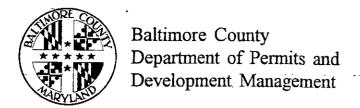
The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Novena	per Advertisin	a.			
•	•				
Item Number	or Case Numb	er:9	9-532-	<u> </u>	
	STEVEN				
Address or L	ocation: 510	7 KENW	OOD ITIE	, रमग्राम्, in	0 21206
	· · · · · · · · · · · · · · · · · · ·	-		,	
PLEASE FO	RWARD ADVE	RTISING BIL	L TO:		
Name:	STEVEN	J. WALT	DHAUSER		
Address:	5107 KE	NWOOD	AUE		
	BALTO.	MD 212	.06		
Telephone N	umber: 4				

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

July 29, 1999

Mr. & Mrs. Steven J. Waldhauser 5107 Kenwood Avenue Baltimore, MD 21206

Dear Mr. & Mrs. Waldhauser:

RE: Case No.: 99-532-A, Petitioner: Mr. & Mrs. Waldhauser,

Location: 5107 Kenwood Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on June 30, 1999.

Zoning Advisory Committee (ZAC), which representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

ichards h / ff W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: July 20, 1999

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

ITEM NO. 532

The Office of Planning supports the applicant's request subject to the following condition:

The petitioners or subsequent owners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The structure shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: Off Marine

AFK/JL



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

July 21, 1999

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JULY 19, 1999

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

525, 526, 528, 529, 531, 532, 002, 003, 004, 007, 008, 009, 010, 011, 012, AND 013.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

Date: 7.20.99

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 532 13 12

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1 Michael M. Lenhart, Chief

J. J. Dredle

Engineering Access Permits Division

Date: July 20, 1999

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

ITEM NO. 532

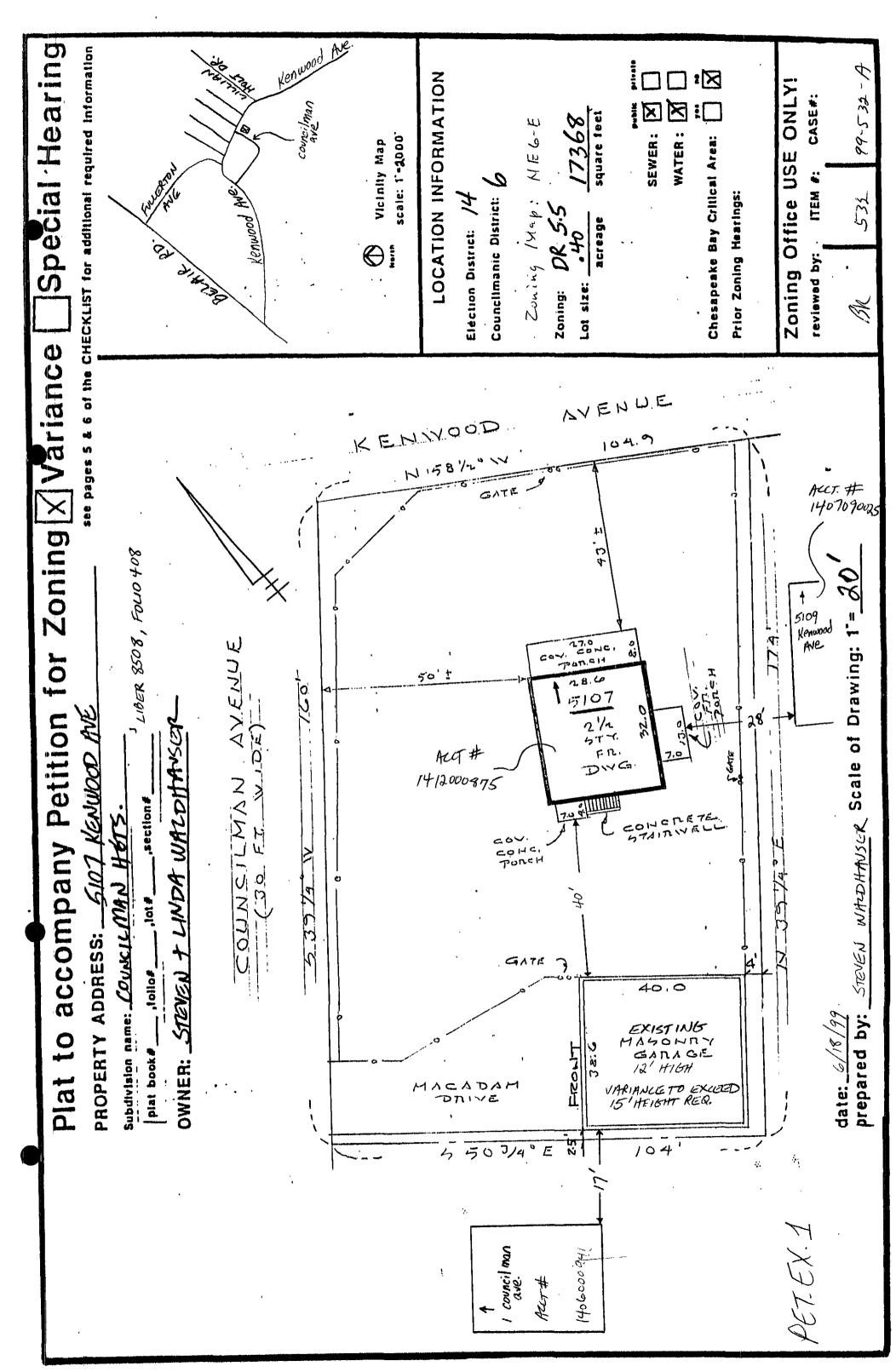
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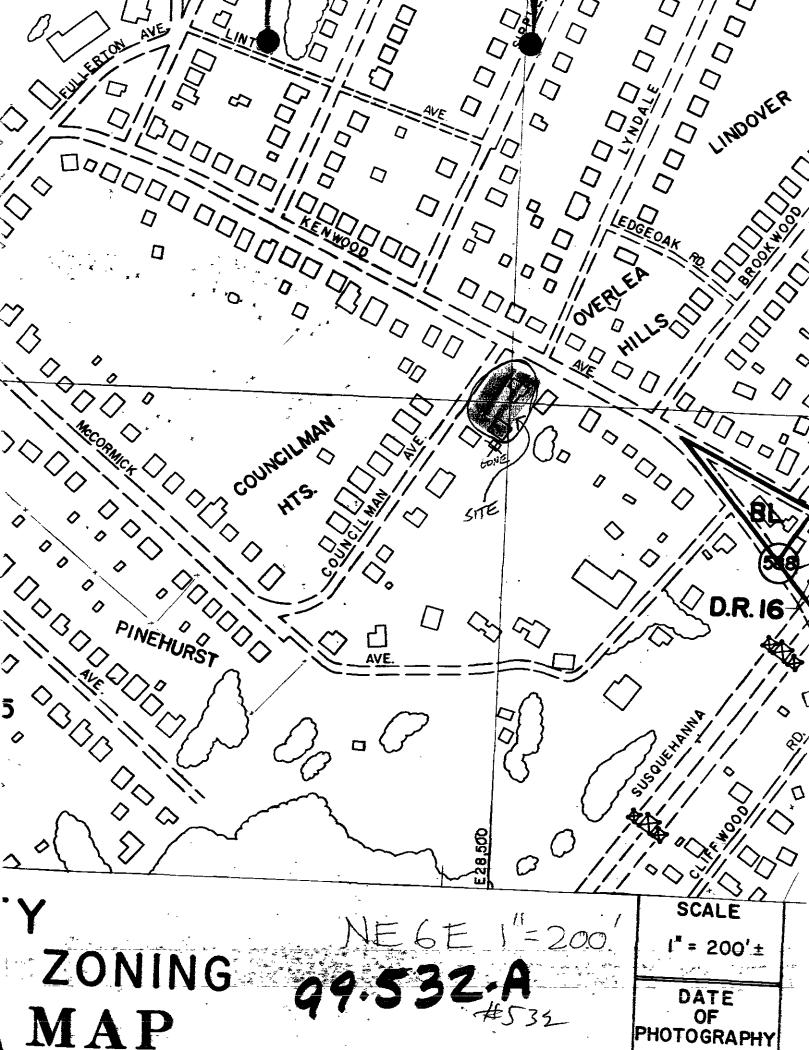
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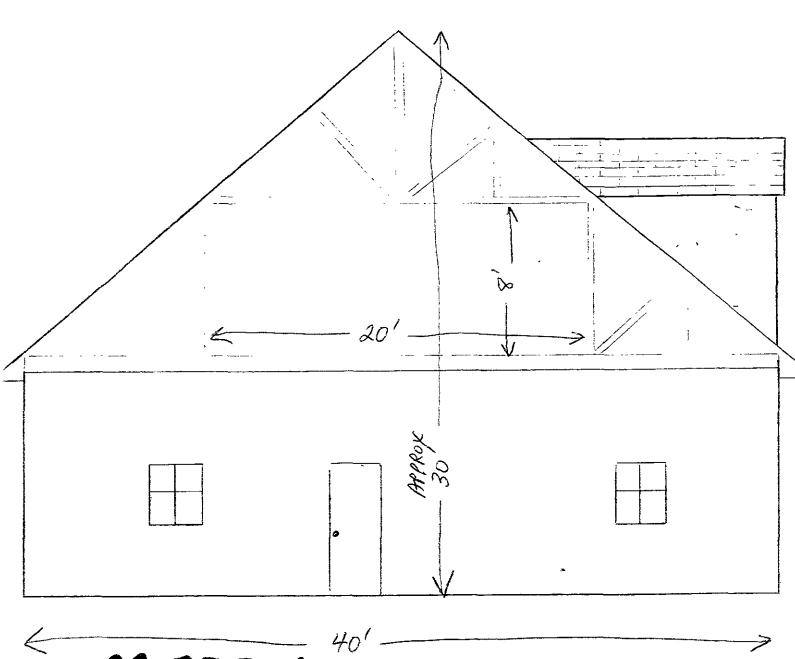
Section Chief:

AFK/JL





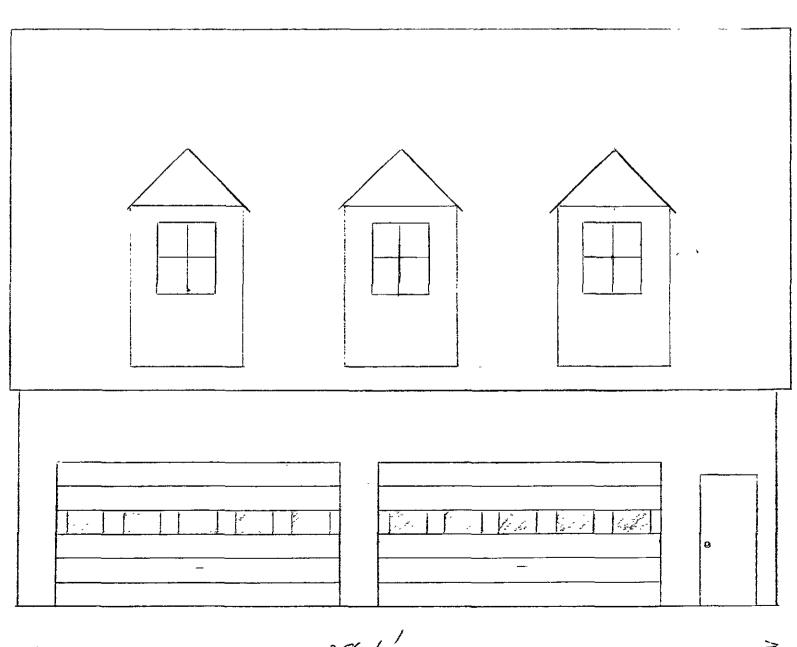
PROPOSED GABLE ROOF



99.532.A

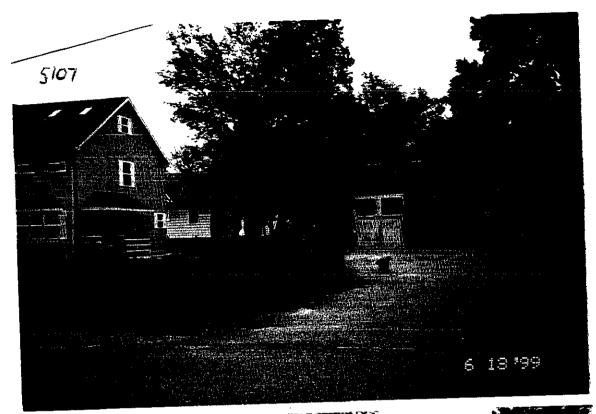
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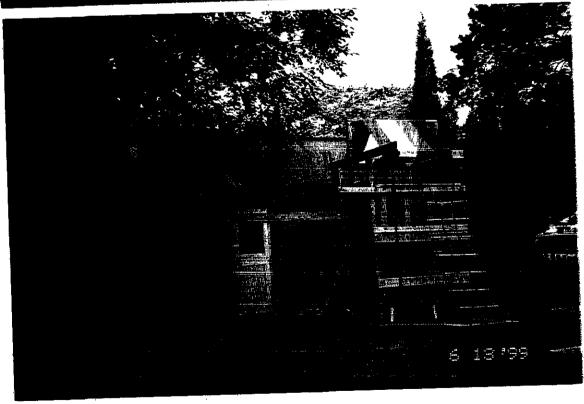
PROPOSED GABLE ROOF



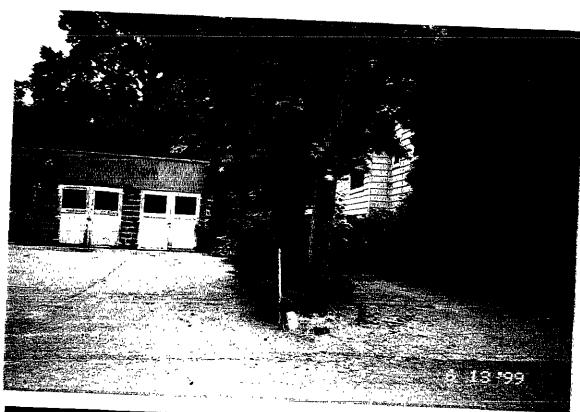
99.532-A

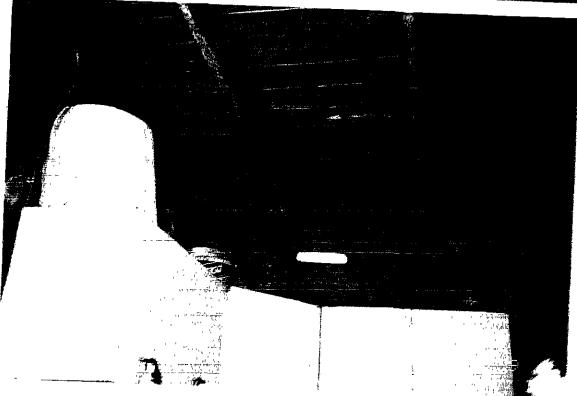
#535





99.532.A





99.532-A



99.532.A

